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## Amendment and Response

Applicant: Ulisa M. Cross

Serial No.: 10/017,268

Filed: December 14, 2001

Docket No.: 57013US002

Title: TOUCH PANEL SPACER DOTS AND METHODS OF MAKING

**REMARKS**

In the Non-Final Office Action mailed October 10, 2006, claims 1-7 and 15-18 were rejected under 35 U.S.C. § 102(b) as anticipated by Matsuda et al., U.S. Patent No. 5,541,370 ("Matsuda"), and claims 8-14 were rejected under 35 U.S.C. § 103(a) as obvious over Matsuda as applied to claims 1-7 and 15-18 above, and further in view of Young et al., U.S. Patent No. 6,883,908 ("Young").

With this Response, claim 1 has been amended and claims 52-56 are newly presented. Claims 1-18 and 52-56 remain pending in the application and are presented for consideration and allowance.

**Claim Rejections under 35 U.S.C. § 102(b)**

Claims 1-7 and 15-18 were rejected under 35 U.S.C. § 102(b) as anticipated by Matsuda.

Matsuda discloses a pressure sensitive writing pad 1A formed by an upper substrate 14 including an electrode 11 and a lower substrate 15 including an electrode 12. Electrodes 11, 12 face one another across a pre-determined gap defined by insulating dot spacers 13. Matsuda discloses at column 6, lines 10-20 that dot spacers 13 are formed by spraying an organic solvent of a non-conductive resin. Dot spacers 13 are formed to have a height not greater than 15 microns and spaced apart one from the other by a distance that is not greater than 100 microns. With regard to the electrodes 11, 12, Matsuda discloses at column 7, lines 42-65 that the electrodes are formed from an inorganic compound having the formula shown at about line 55.

The Examiner takes the position at page 3 that Matsuda discloses at column 6, lines 66-67 ink jet printed spacer dots 13 formed from a nanocomposite of inorganic nanoparticles (column 5, lines 8-22). The Examiner views Matsuda to disclose that the spacer dots 13 include silica nanoparticles and hexanediol diacrylate, citing to Matsuda at column 7, lines 44-65.

Applicants respectfully disagree.

With this Response, independent claim 1 has been amended to provide a method for making a touch activated user input device including ink jet printing a plurality of dots on a first conductive coating, where each of the dots include nanoparticles.

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Matsuda fails to teach or suggest ink jet printing dots on a first conductive coating, where each of the dots includes nanoparticles. Matsuda discloses that certain inorganic particles may be dispersed in the spraying solution (column 6, lines 45-47). Matsuda also discloses at column 5, lines 8-22 (as cited by the Examiner) that the spacer dots 13 have a height of not greater than 15 micrometers and a dot-to-dot spacing of not greater than 100 micrometers. However, Matsuda does not teach or suggest that the spraying solution includes nanoparticles. In particular, Example 8 of Matsuda (column 14) provides for the dispersion of spherical silica particles having an average particle size of 2 micrometers. Example 9 (column 14) provides for dispersing resin particles having an average particle size of 4.25 micrometers. Example 10 (column 15) provides for dispersing silica particles having average particle sizes of 1 and 5 micrometers, respectively. Thus, the express examples provided by Matsuda include particles approximately 3 orders of magnitude larger than the claimed nanoparticles. None of the embodiments disclosed in Matsuda, including the specific examples set forth beginning at column 11, teach or suggest ink jet printing a plurality of dots on a first conductive coating, where each of the dots include nanoparticles, as required by amended independent claim 1.

In addition, the Matsuda specification has been reviewed throughout, including column 7, lines 44-65 as cited by the Examiner, and it appears that Matsuda fails to teach or suggest ink jet printing a nanocomposite gel including hexanediol diacrylate.

Based upon the above, it is respectfully submitted that amended independent claim 1 recites patentable subject matter over Matsuda, and dependent claims 2-18 further define patentably distinct amended independent claim 1.

It is respectfully requested that the rejections to claims 1-7 and 15-18 under 35 U.S.C. § 102(b) as anticipated by Matsuda be withdrawn, and these claims allowed.

The Examiner concedes at page 5 that Matsuda fails to teach or suggest in jet printing a plurality of dots by ink jet printing a heated gel composition. Newly presented independent claim 52 provides ink jet printing a gel composition to define a plurality of dots on a first conductive coating. Thus, it is believed that newly presented independent claim 52 recites patentable subject matter over Matsuda. Claims 53-56 further define patentably distinct

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independent claim 52, such that it is believed that claims 52-56 recite patentable subject matter over Matsuda.

**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 8-14 were rejected under 35 U.S.C. § 103(a) as obvious over Matsuda as applied to claims 1-7 and 15-18 above, and further in view of Young.

Young was filed on January 8, 2001 and only qualifies as prior art to the pending application under 35 U.S.C. § 102(e). With this Response, a Statement of Common Ownership signed by an attorney of record is submitted to disqualify Young as a reference under 35 U.S.C. § 103(c). Since Young is not available as a reference in an obviousness determination under 35 U.S.C. § 103, it is respectfully requested that the rejections to claims 8-14 under 35 U.S.C. § 103(a) be withdrawn.

**Conclusion**

Applicants submit that claims 1-18 and 52-56 are in condition for allowance, and request early indication that claims 1-18 and 52-56 are allowed.

Respectfully submitted,

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Date

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